



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,420	04/22/2002	Thomas L. Toth	GEMS8081.115	2764

27061 7590 06/07/2006

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

EXAMINER

JUNG, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

3768

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

30042006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See Attached

1. 37 CFR 1.105 REQUIREMENT FOR INFORMATION

2. Applicant (or the assignee of this application if the assignee has undertaken the prosecution of the application) is required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

3. There are numerous other co-pending applications and issued patents, which disclose and claims very similar and/or identical subject matter. In accordance with 37 CFR 1.105 and MPEP 704.11(a) subsection G, applicant (or the assignee) is respectfully requested to disclose all co-pending applications and related patents (please see the non-exhaustive list below of applications and issued patents that the USPTO believes may be related) and identify the specific claims of those applications and/or patents which may present double patenting issues with the instant application claims. This requirement is reasonably necessary to examination because, based on an initial review of the applications, there is a significant degree of overlap in claimed subject matter, thus requiring an analysis of commonality of claimed subject matter to determine patentability under 35 USC 101 double patenting and/or obviousness type double patenting. For example, claims 1-48 of application 10/063,420 differ from claims 1-22 of application 10/765,583 (from here on refer to as 583') in only the obvious variation of since the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matter in 583' is substantially identical to claimed subject matter in current application without using exact wording. For example, claims 1 and 27 (in comparison to claims 1, 15, 21, 25, 36, and 41 in current application) in 583' claims method and system for imaging with positioning a subject where the system includes scanning bay where the subject is placed and

positioning a filter having an attenuation profile beam to obtain attenuation profile of the subject. Since 583' claims CT with image reconstruction, the limitation of reconstructing an image of the subject as claimed in current application is obvious. Because the applicant (or the assignee) is presumably far more cognizant of the contents of the claims in these applications than any Office staff, and has access to the source documents by which such comparison could be done better than within the Office, it is reasonable to require the applicant to provide the information needed to determine the commonality among the claims.

4. Should applicant (or the assignee) believe that Double Patenting exists, then applicant (or the assignee) is invited to file Terminal Disclaimers and/or amend the currently pending claims in the interest of expediting the prosecution of the current application. Applicant (or the assignee) should note that a terminal disclaimer is effective to overcome an obviousness type double patenting rejection, but will not overcome a "same type" double patenting rejection under 35 U.S.C. § 101.

5. Non-exhaustive list of possible related co-pending applications and patents:

US 2005/0259784 A1 (10/850,009)

US 2005/0058254 A1 (10/661,844)

US 2005/0089137 A1 (10/765,618)

US 2005/0089136 A1 (10/765,617)

US 2005/0089135 A1 (10/765,582)

US 2005/0089146 A1 (10/605,789)

US 2005/0031084 A1 (10/935,292)

US 2003/0198319 A1 (10,064,172)

Art Unit: 3768

US 6,993,117 B2

US 6,990,171 B2

US 6,968,042 B2

US 6,836,535 B2

US 6,280,084 B1

US 6,115,487 A

US 5,457,724 A

US 5,400,378 A

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Jung, Ph.D. whose telephone number is 571-272-4739.

The examiner can normally be reached on Mon-Fri 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3768

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LxJ

April 30, 2006



FREDERICK R. SCHMIDT
DIRECTOR
TECHNOLOGY CENTER 3700



BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700